

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM ANTHONY ELDRIDGE,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
OFFICER MATTHEW DIEHL, CITY OF	:	NO. 10-3537
ALLENTOWN, SGT. JOHN HILL, OFFICER	:	
PATRICK BULL, and JOHN DOE,	:	
	:	
	:	
Defendants.	:	

ORDER

AND NOW, this *1st* day of *February*, 2011, upon consideration of Defendants Officer Matthew Diehl, the City of Allentown, Sergeant John Hill, and Officer Patrick Bull's Motion to Dismiss Plaintiff William Anthony Eldridge's Complaint (Docket No. 12), and Plaintiff's Response in Opposition and Motion to Amend the Complaint (Docket No. 13), it is hereby **ORDERED** as follows:

1. Moving Defendants' Motion to Dismiss Plaintiff's claim of illegal search and seizure in violation of the Fourth Amendment is **GRANTED**. This claim is **DISMISSED**.
2. Moving Defendants' Motion to Dismiss Plaintiff's claim that Defendants Bull and Doe conspired to deprive Plaintiff of proper medical care is **DENIED**.
3. Moving Defendants' Motion to Dismiss Plaintiff's claim alleging that the City of Allentown has a policy or custom of racial discrimination is **GRANTED**. This claim is **DISMISSED**.

4. Moving Defendants' Motion to Dismiss Plaintiff's request for injunctive relief is **GRANTED**. This request is **DISMISSED**.
5. Moving Defendants' Motion to Dismiss Plaintiff's claims against Defendants in their official capacities is **GRANTED**. These claims are **DISMISSED**.
6. Moving Defendants' Motion to Dismiss Plaintiff's Fifth and Fourteenth Amendment Due Process claims is **GRANTED**. These claims are **DISMISSED**.
7. Plaintiff's Motion to Amend the Complaint is **GRANTED**. The Amended Complaint must be filed on or before February 22, 2011. Failure to do so may result in dismissal with prejudice upon motion of Defendants.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S.J.